

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

THE CONSTRUCTION INDUSTRY)	
RETIREMENT FUND OF ROCKFORD,)	
ILLINOIS and THE CONSTRUCTION)	
INDUSTRY WELFARE FUND OF)	
ROCKFORD, ILLINOIS,)	District Judge: Philip G. Reinhard
)	
Plaintiffs,)	Magistrate Judge: P. Michael Mahoney
)	
vs.)	Case No: 13-cv-50082
)	
BOS AND SON, INC.,)	
)	
Defendant.)	

MOTION FOR ENTRY OF DEFAULT JUDGMENT
IN A SUM CERTAIN

The Construction Industry Retirement Fund of Rockford, Illinois, and The Construction Industry Welfare Fund of Rockford, Illinois, (hereinafter referred to as “Plaintiffs” or “the Funds”) state as follows for their Motion for Entry of Default Judgment in a Sum Certain against Defendant, Bos and Son, Inc.:

1. Plaintiffs filed an Amended Complaint in this matter on January 8, 2014. (Dkt # 23).
2. Defendant was served with the Amended Complaint on January 8, 2014 and its responsive pleading was due no later than February 7, 2014. (Dkt #24).
3. On March 19, 2014, the District Court entered an Order finding Defendant in default for failing to file a responsive pleading, and ordering defendant to turnover certain records to facilitate an audit within 30 days. (Dkt # 13).

4. To date, Defendant has not filed on its behalf any form of responsive pleading.

5. Pursuant to the Amended Complaint, Defendant is liable for unpaid contributions to the Funds and late fees which were accrued beginning May 2011 and intermittently thereafter, pursuant to the Collective Bargaining Agreement and subsequent trust agreements to which Defendant is bound.

6. According to the Affidavit of Shelli McPeck on behalf of the Funds, attached hereto as Exhibit A, Defendant is liable for \$159,928.56 in unpaid contributions, audit fees, and liquidated damages, all of which are recoverable under the applicable agreements.

7. The Declaration Regarding Attorney's Fees, attached as Exhibit B, indicates that an additional \$16,270.00 is due and owing for the costs and attorneys fees incurred in pursuing this case against Defendant, the recovery of which is provided for in the applicable agreements.

8. Based upon the forgoing, a default judgment should enter under Rule 55(b) in the amount of **\$176,198.56** (\$159,928.56 in unpaid contributions, liquidated damages, and audit costs , plus \$16,270.00 in attorney's fees and costs = \$176,198.56).

WHEREFORE, Plaintiffs respectfully move this Court for entry of a default judgment against Defendant, Bos and Son, Inc., in the amount of \$176,198.56.

THE CONSTRUCTION INDUSTRY RETIREMENT
FUND OF ROCKFORD, ILLINOIS & THE
CONSTRUCTION INDUSTRY WELFARE FUND
OF ROCKFORD, ILLINOIS , Plaintiffs

By: WilliamsMcCarthy LLP

/s/ Troy E. Haggstad

CERTIFICATE OF LAWYER AND NOTICE OF ELECTRONIC FILING

The undersigned certifies that on March 25, 2014, the foregoing document was electronically filed with the District Court Clerk via CM/ECF filing system which will send notification of such filing to the following:

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